



CITY OF MEMPHIS

COUNCIL AGENDA

December 16, 2003

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (Dec. 2, 2003)

CONSENT AGENDA

GENERAL ORDINANCES- FIRST READING (none)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** amending Chapter 14 of the Code of Ordinances regarding inspection of private fire hydrants, up for S E C O N D reading.

Mitchell

Ordinance No. 5030

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** granting a Franchise to WesPac Pipelines-Memphis, LLC to construct, maintain and operate a Gas Pipeline within the City of Memphis, up for S E C O N D reading.

Sammons

Ordinance No. 5032

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** to establish meeting dates for City Council Meetings in 2004, up for S E C O N D reading.

Brown

Ordinance No. 5033

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES- FIRST READING (none)

ZONING ORDINANCES - SECOND READING

4. **ORDINANCE** rezoning the west side of Brunswick Road @Davies Plantation Road, containing 2.78 acres in the Agricultural (AG) District, up for S E C O N D reading.

Peete

Ordinance No. 5031

Case No. Z 03-124cc

Applicants: Toni Cox & Albert Nicholson
J.C. Enterprise (Jamie Callahan) - Representative

Request: Residential (R-E) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

5. RESOLUTION accepting CORDOVA STATION P.D., 3RD AMENDMENT, PHASE 26, and authorizing release of bond.

Case No. PD 00-375
(Contract No. CR-4807)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of Macon Road, on the east side of Germantown Road. The standard improvement contract was approved on July 15, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$24,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting MONTEBELLO PD, PHASE 2, AREA B & C, and authorizing release of bond.

Case No. PD 00-353
(Contract No. CR-4733)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Thor Road, 155.43 feet east of Bending Oak Lane. The standard improvement contract was approved on August 6, 2002. Resolution also authorizes the release of the letters of credit in the amount of \$113,700.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving engineering plans of CARLYLE PLACE P.D., PHASE 1, SEWER EXTENSION.

Contract No. CR-4839

Resolution approves the engineering plans located on the north side of Macon Road, east of Houston Levee Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of MCCORMICK PLACE P.D.

Case No. PD 03-344
Contract No. CR-4840

Resolution approves the final plat located on the east side of McElroy Road, 640 feet north of Macon Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of WOODLAND HILLS P.D., 6TH AMENDMENT, PHASE 23, PART OF PARCEL 9.

Case No. PD 03-322cc
Contract No. CR-4841

Resolution approves the final plat located on the south side of Macon Road, east of Grey's Creek. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting BROWNSVILLE WOODS SUBDIVISION – SEC C DRAINAGE IMPROVEMENT, and authorizing release of bond.

Case No. S 73-44cc
(Contract No. CR-425)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Old Brownsville Road, south of Spring Lake Drive. The standard improvement contract was approved on March 26, 1974. Resolution also authorizes the release of the letter of credit in the amount of \$150,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting DEXTER LAKE P.D., PHASE 1 PARCEL B(formerly Humpreys-Minion P.D.), and authorizing release of bond.

Case No. PD 90-353cc
(Contract No. CR-3627)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Dexter Lane north of Old Dexter Road. The standard improvement contract was approved on July 7, 1992. Resolution also authorizes the release of the letter of credit in the amount of \$34,050.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting SYCAMORE VIEW ROAD P.D., PHASE 5, PART OF PARCEL 2, AREA A, and authorizing release of bond.

Case No. PD 00-359
(Contract No. CR-4803)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of Raleigh-LaGrange Road, west of Sycamore View Road. The standard improvement contract was approved on July 1, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$22,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION accepting WILDA HILL FARMS S/D, and authorizing release of bond.

Case No. S 01-020
(Contract No. CR-4677)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Shady Grove Road, 267.17 feet east of Cloister Green Cove. The standard improvement contract was approved on November 20, 2001. Resolution also authorizes the release of the performance bond in the amount of \$15,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14.
- RESOLUTION approving final plat of SOUTH END, PHASE 1
- Contract No. CR-4842

Resolution approves the final plat located on the northeast corner of the intersection of Tennessee Street and Georgia Avenue. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

15.
- RESOLUTION approving a honorary street name change for “George W. Sammons”. Monroe Avenue from Danny Thomas to Marshall.
- Sammons

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

16.
- NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 03-358

Located on the south side of Macon Road; west of Cordova Station Road, containing 5.73 acres in the Agricultural (AG) District

Applicant: Gill Enterprises
Parker, Estes, & Associates, Inc. – Representative

Request: Amend the Outline Plan Conditions to allow a Health Club Facility as a permitted use on Parcel 2

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 03-361cc – SHELBY PARK PLANNED DEVELOPMENT

Located on the west side of Raleigh-LaGrange Road; ±125 feet northwest of Mullins Station Road, containing 27.90 acres in the Single Family Residential (R-S8) District

Applicant: Shelby Park Joint Venture
SR Consulting LLC (Cindy Reaves) – Representative

Request: Single-family residential, 115 lots; Multi-family residential, 358 units and planned commercial, 4.29 acres

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 03-604 – OLD THOMAS AVENUE (formerly Maxwell Street)

Located between Jackson Avenue and Saffarans Avenue, containing 7,095 Square Feet = 0.163 acre in the Medium Density Residential (MDR) District – Uptown

Applicant: Lauderdale Greenlaw, LLC
SR Consulting, L.L.C. – Representative

Request: Partially Close & Vacate the West 11 feet of Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 6, 2004



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FISCAL CONSENT

DIVISION OF PLANNING & DEVELOPMENT

17. RESOLUTION accepting and appropriating \$1,755.00 in funds from the State of Tennessee Department Human Service Division of Rehab Services to share in resources in providing services under the Workforce Investment Act at the Career Centers. Resolution also amends the FY 2004 Operating Budget.

Sammons

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION accepting and appropriating \$354,316.33 in funds from the Tennessee Department of Labor & Workforce Development to provide training and services under the Workforce Investment Act(WIA Administration Services 2004). Resolution also amends the FY 2004 Operating Budget.

Sammons

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION accepting and appropriating \$407,565.89 in funds from the Tennessee Department of Labor & Workforce Development to provide training and services under the Workforce Investment Act(WIA Dislocated Workers Services 2004). Resolution also amends the FY 2004 Operating Budget.

Sammons

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION accepting and appropriating \$541,347.00 in funds from the Tennessee Department of Labor & Workforce Development to provide training and services under the Workforce Investment Act(WIA Adult Services 2004). Resolution also amends the FY 2004 Operating Budget.

Sammons

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION accepting and appropriating \$2,063,621.11 in funds from the Tennessee Department of Labor & Workforce Development to provide training and services under the Workforce Investment Act(WIA Adult Services 2004). Resolution also amends the FY 2004 Operating Budget.

Sammons

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION accepting and appropriating \$1,125,225.77 in funds from the Tennessee Department of Labor & Workforce Development to provide training and services under the Workforce Investment Act(WIA Dislocated Workers Services 2004). Resolution also amends the FY 2004 Operating Budget.

Sammons

ACTION REQUESTED: Adopt the resolution



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

23. RESOLUTION approving a honorary street name change for The Campbell Family Road.
Lowery

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION approving a honorary street name change for Dorotha McWilliams.
Holt

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION approving a honorary street name change of Boxwood for Pastor Mitchell.
Holt

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving a honorary street name change for Waymon Welch, Sr. and Jackie Welch.
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION honoring Arnold Perl.
Peete

ACTION REQUESTED: Adopt the resolution

28. **APPOINTMENTS**
Marshall

Alcohol Commission

Appointment

Sally Isom

Fire Department Board of Appeals

Reappointment

Willie Nelson

EXECUTIVE DIVISION

(none)

FINANCE & ADMINISTRATION

29. RESOLUTION approving the cancellation of taxes on church property located at 3915 Riverdale Road for Anointed Temple of Praise.
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

30. RESOLUTION amending the FY 2004 Operating Budget to accept and appropriate \$11,200.00 from American Heart Association.
Mitchell

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION appropriating a total of \$360,000.00 in Fixtures and Equipment and Information Technology, funded by G.O. Bonds General, chargeable to Fiscal Year 2004 Capital Improvement Budget for Wolfchase Fire Station #56, CIP Project Number FS024.
Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

32. RESOLUTION appropriating \$550,000.00 in construction funds, funded by G.O. Bonds General for City Hall Data Center HVAC, Generator, Fire Suppression, UPS backup power for major modifications/improvements to property, CIP Number GS016, as part of the FY 2004 Capital Improvement Program.
Jones

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

33. RESOLUTION adopting Lamar Terrace/University Place redevelopment plan.
Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

34. RESOLUTION amending the FY04 Capital Improvement Budget by transferring an Architect and Engineering allocation of \$13,120.00 to construction in Carver Heights Park, PK171. Resolution appropriates the sum of \$204,120.00 for Carver Heights Park construction.
Vergos

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION amending the FY04 Capital Improvement Budget by transferring an Architect and Engineering allocation of \$13,804.00 to construction in Douglass Park, PK168. Resolution further requests to transfer construction allocations of \$125,696.00 from Community Center Improvements, PK030, to construction in Douglass Park.
Vergos

Resolution requests a total appropriation of \$283,500.00 for construction at Douglass Park.

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION amending the FY04 Capital Improvement Budget by transferring Architect and Engineering allocations to construction in Pierotti Park, PK163. Resolution further requests the transfer of construction allocations in PK030, Community Center Improvements, to construction in Pierotti Park. Resolution requests a total appropriation of \$337,400.00 for Pierotti Park construction.

Vergos

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY04 Capital Improvement Budget by transferring an Architect and Engineering allocation of \$9,260.00 to construction in Gaisman Park, PK169. Resolution appropriates the sum of \$295,600.00 for Gaisman Park construction.

Vergos

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION amending the FY04 Capital Improvement Budget by transferring an Architect and Engineering allocation of \$13,804.00 to construction in Hollywood Park, PK159. Resolution further requests to transfer construction allocations of \$17,966.00 from Community Center Improvements, PK030, to construction in Hollywood Park.

Vergos

Resolution requests a total appropriation of \$175,770.00 for construction at Hollywood Park.

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

39. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$85,888.00 in G.O. Bond Funds from Minor Streets project number PW075 to Five Colonies Lane project number PW397 for construction contract with Dixieland Contractors.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION amending the FY 2004 Capital Improvement Budget by transferring an allocation of \$4,575,434.00 from Asphalt Paving project number PW156 and \$748,800.00 from ADA Wheelchair Ramp Program project number PW152 in G.O. Bonds to Resurfacing Various Streets Group I 2004 project number PW478 and appropriating a total of \$5,324,234.00 in G.O. Bonds.

Hooks

Resurfacing Various Streets Group I 2004 project number PW478 is for construction contract with Lehman Roberts Company.

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION amending the Capital Improvement Budget by transferring construction allocations and appropriating \$1,000,000.00 in G.O. Bonds from President Island Improvements project PW348 to Overton Crossing Hawkins Mill project number PW003 for land cost.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING

42. **ORDINANCE** to amend Chapter 22, Code of Ordinances, City of Memphis, by creating a new Chapter 22; to provide regulation for Excessive Noise, up for T H I R D and F I N A L reading. (Held from 7/16; 8/20/ 9/17; 10/1; 10/15; 12/03; 1/7; 2/18; 3/4; 3/18; 4/15; 5/6;5/20;6/3; 8/5;11/4;12/2) **(Pulled from January 21, 2003 Minutes)**

Peete Ordinance No. 4952

ACTION REQUESTED: Take whatever action Council deems advisable

43. **ORDINANCE** to amend Chapter 39, Code of Ordinances, City of Memphis, so as to revise and update Section 39, Article II, Horse Drawn Carriages, up for T H I R D and F I N A L reading.(Held from 12/2)

Peete Ordinance No. 5029

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCE - THIRD AND FINAL READING

44. **ZONING ORDINANCE TEXT AMENDMENT** to re-adopt the Fletcher Creek Overlay District Regulations as approved by the Shelby County Commission, up for T H I R D and F I N A L reading.

Peete Ordinance No. 5009
Case No. ZTA 03-001cc

Applicant: Office of Planning and Development &City/County Public Works
Mary L. Baker and Jerry Collins – Representatives

Request: Zoning Ordinance Text Amendment to re-adopt the Fletcher Creek Overlay District Regulations as approved by the Shelby County Commission

LUCB and OPD recommendations: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

DIVISION OF PLANNING & DEVELOPMENT

45. **RESOLUTION** approving a use variance located on the north side of Rhodes Avenue; +214 feet east of Getwell Road, containing 0.065 acre(2,581 sq. ft.) in the Single Family Residential (R-S6) District.(Held from 12/2)

Peete Case No. UV 03-006

Applicant: Granville & Eugenia Messick
SR Consulting, LLC (Cindy Reaves)

Request: Parking for adjacent restaurant (Tops Bar B Q)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

46. **RESOLUTION** approving a planned development located on the southeast corner of Jackson Avenue and Hollywood Street, containing 1.69 acres and is currently governed by Jackson Avenue Planned Development (P.D. 03-330).

Peete Case No. PD 03-362

Applicant: RFM Development
Askew Hargraves Harcourt & Associates, Inc.(Brenda Solomito) – Representative

Request: Planned development amendment to allow extended hours of operation for a new Walgreen’s Drug Store

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

144 NOTICES MAILED ON DECEMBER 5, 2003

47. RESOLUTION approving a street/alley closure beginning at the west line of North Hollywood Street with Range Line Road; proceeding westwardly 1,091.6 feet, containing 1.062 acres in the Single Family Residential (RS-6) District.

Peete

Case No. SAC 02-620
(Companion Case SAC 02-621)

Applicant: Memphis Housing Authority
James K. Dickinson – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

50 NOTICES MAILED ON DECEMBER 5, 2003

48. RESOLUTION approving a street/alley closure beginning at the north line of Davey Drive and proceeding northeastwardly \pm 315.19feet, containing 0.3547 acre in the Single Family Residential (RS-6) District.

Peete

Case No. SAC 02-621
(Companion Case SAC 02-620)

Applicant: Memphis Housing Authority
James K. Dickinson – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

70 NOTICES MAILED ON DECEMBER 5, 2003

49. RESOLUTION approving a use variance located on the west side of Summitt Street, beginning 131.66 feet south of Union Avenue, containing 0.704 acre in the General Office (O-G) District.

Peete

Case No. UV 03-10

Applicant: USA/Super "D" Drug Store

Request: Use Variance to Chart I to permit a Department or Discount Store

LUCB and OPD recommendation: APPROVAL, subject to conditions

ACTION REQUESTED: Take whatever action Council deems advisable

67 NOTICES MAILED ON DECEMBER 5, 2003

50. RESOLUTION approving a planned development located on the north side of Holmes Road; +4,000 feet east of Hacks Cross Road, containing 40.1 acres in the Agricultural (AG) District.

Peete

Case No. PD 03-355cc

Applicant: Rusco Company
E.D.S., Inc. - Representative

Request: A planned development to permit 106 single family detached lots with a typical lot size of 8,750 square feet within the plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

48 NOTICES MAILED ON DECEMBER 5, 2003

GENERAL ITEMS

51. RESOLUTION approving a hotel waiver for Holiday Inn located at 1970 E. Shelby Drive.(Held from 12/2)

Peete

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT